

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document # 6

U.S.C.A. # _____

U.S.D.C. #

08'cv'3256

JUDGE:

KMW

DATE:

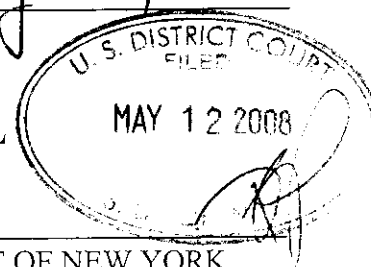
May 12, 2008

Blake

-v-

U.S. Dept. of Justice

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME):

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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 12th Day of May, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Clerk's Certificate

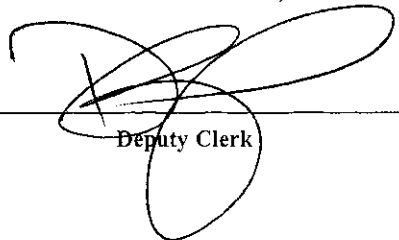
I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
_____	_____
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 12th Day of May In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232ND year.

J. Michael McMahon, Clerk

By _____


Deputy Clerk

APPEAL, CLOSED, HABEAS

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-03256-KMW
Internal Use Only

Blake v. United States Department of Justice et al
Assigned to: Judge Kimba M. Wood
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 04/01/2008
Date Terminated: 04/01/2008
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
04/01/2008	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Eric J. Blake.(mbe) (Entered: 04/08/2008)
04/01/2008	<u>2</u>	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2241..Document filed by Eric J. Blake.(mbe) (Entered: 04/08/2008)
04/01/2008		Magistrate Judge Frank Maas is so designated. (mbe) (Entered: 04/08/2008)
04/01/2008	<u>3</u>	ORDER OF DISMISSAL., I grant petitioner's request to proceed in forma pauperis, but dismiss the petitioner for the following reasons. In addition, because the instant petition was not pending on May 11, 2005, the date that Congress enacted the REAL ID Act, and it appears to have been filed well beyond the 30-day time limit to file a petition for review in the court of appeals under 8 U.S.C. 1252(b)(1), the Court is not authorized to transfer it to the Second Circuit. Therefore, petitioner's application for a writ of habeas corpus must be dismissed. Accordingly, the petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. 2241 is denied. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. The Court certifies pursuant to 28 U.S.C. 1915(a) that any appeal from this order would not be taken in good faith. SO ORDERED. (Signed by Judge Kimba M. Wood on 4/1/2008) (mbe) (Entered: 04/08/2008)
04/01/2008	<u>4</u>	JUDGMENT. Ordered, Adjudged and Decreed: That the petition is hereby dismissed the petition for a writ for habcas corpus. As petitioner has not made substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. 2253. The Court certifies pursuant to 28 U.S.C. 1915(a) that any appeal from the Court's order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 4/1/2008) (mbe) (Entered: 04/08/2008)
04/30/2008	<u>5</u>	NOTICE OF APPEAL from 3 Order Dismissing Petition, 4 Judgment - Sua Sponte (Petition). Document filed by Eric J. Blake. Mailed to attorney(s) of record: A.U.S.A. (tp) (Entered: 05/12/2008)
04/30/2008		Appeal Remark as to 5 Notice of Appeal filed by Eric J. Blake. \$455.00 APPEAL FEE DUE. IFP REVOKED 4/1/08. COA DENIED 4/1/08. (tp) (Entered: 05/12/2008)
05/12/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 5 Notice of Appeal. (tp) (Entered: 05/12/2008)
05/12/2008		Transmission of Notice of Appeal to the District Judge re: 5 Notice of Appeal. (tp) (Entered: 05/12/2008)